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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,407	03/12/2001	Glen Franklin Wetzel	10003969-1	1685

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AGILENT TECHNOLOGIES, INC.  
Legal Department, M/S DL429  
Intellectual Property Administration  
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LOVELAND, CO 80537

EXAMINER

PAYNE, DAVID C

ART UNIT PAPER NUMBER

2633

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/805,407

Applicant(s)

WETZEL ET AL.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 and 11-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because drawings contain blank boxes and other shapes, which are not widely recognized engineering symbols. Applicant must supply a suitable legend. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The applicant must comply with the official rules and regulations of the U.S. Patent and Trademark Office; failure to do so may result in abandonment of the application. The following are direct quotations of 37 CFR 1.84(n), (o), repeated below:

- (n) *Symbols.* Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. **Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.**
  - (o) *Legends.* **Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing.** They should contain as few words as possible.
2. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

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amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Allowable Subject Matter***

3. The indicated allowability of claims 6-9, 13-20 are withdrawn in view of the newly discovered reference(s) to Dantu et al. US 6,532,088 B1 (Dantu) and Blair et al. US 6,414,767 B1 (Blair). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-24 rejected under 35 U.S.C. 102(b) as being anticipated by Dantu et al. US 6,532,088 B1 (Dantu).

Re claim 21, Dantu disclosed

A method of determining topology of a network, the method comprising: determining connection information of a first port of a first node; and updating a path router with the connection information (see Dantu e.g., col./line: 8/40-50).

Re claims 22 and 23 Dantu disclosed wherein the light source of the first optical node is connected to a first port of the optical switch for sending identification signal to identify the first optical node (see Dantu 408 of Fig. 4).

Re claim 24, Dantu disclosed

A method of discovering an optical interconnect path, the method comprising: sending, from a first port of a first node, a first identification of the first node; and receiving (see Dantu e.g., col./line: 8/55-60), at a first port of a second node, the first identification of the first node wherein the interconnect path is the path between the first port of the first node and the first port of the second node see Dantu e.g., col./line: 8/40-50).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-9, 11-20, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dantu et al. US 6,532,088 B1 (Dantu) in view of Blair et al. US 6,414,767 B1 (Blair).

Re claims 2, 3 Dantu disclosed

An apparatus defining a node, the apparatus comprising: an optical switch (see Dantu 408 of Fig. 4) for routing optical signals, the optical switch including ports (see Dantu 412C and 412D of Fig. 4); a control circuit connected to the optical switch (see Dantu 402 of Fig. 4); and wherein the control circuit having node identification (see Dantu e.g., col./line: 8/55-60).

Dantu does not disclose

a light source; a light detector;

Blair disclosed

a light source (see Blair e.g., col./line: 4/29-35); a light detector (see Blair e.g., col./line: 4/29-35);

It would have been obvious to one of ordinary skill in the art at the time of invention to use a light source and light detector in the Dantu invention in order to send and receive the optical signals in Dantu's Fiber Optic ring (see Dantu e.g., col./line: 4/39-45). While the light source and detector were not explicitly disclosed in Dantu, these components are extremely well

known in the art in fiber optical networks.

Re claims 4, 5, 7

Dantu disclosed wherein each port of the node is identified with a port identification (see Dantu e.g., col./line: 16/35-45)

Re claims 8, 9, 16 Dantu disclosed

wherein the control circuit updates a path router with the connection information (see Dantu e.g., col./line: 8/40-50).

Re claims 6, 14, 15 Dantu disclosed

An apparatus defining a node, the apparatus comprising: an optical switch (see Dantu 408 of Fig. 4) for routing optical signals, the optical switch including ,ports (see Dantu 412C and 412D of Fig. 4); a control circuit (see Dantu 402 of Fig. 4) connected to the optical switch; Dantu does not disclose

a light source connected to a first port of the optical switch adapted to send optical signal to identify the optical node; a light detector and wherein the light detector is connected to a second port of the optical switch for detecting optical signals identifying another optical node.

Blair disclosed

a light source connected to a first port (see Blair Tx<sub>s</sub> (N<sub>1</sub>) of Figure 1); a light detector and wherein the light detector is connected to a second port (see Blair Rx<sub>s</sub> (N<sub>1</sub>) of Figure 1).

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It would have been obvious to one of ordinary skill in the art at the time of invention to use a light source and light detector in the Dantu invention in this configuration in order to send and receive the optical signals in Dantu's Fiber Optic ring (see Dantu e.g., col./line: 4/39-45). While the light source and detector were not explicitly disclosed in Dantu, these components are extremely well known in the art in fiber optical networks.

Re claims 11 and 13, Dantu further disclosed

An optical network comprising: a plurality of optical nodes (see Dantu Fig. 1).

Re claims 12, 20, 25 Dantu disclosed wherein the light source of the first optical node is connected to a first port of the optical switch for sending identification signal to identify the first optical node (see Dantu 408 of Fig. 4).

Re claims 17 and 19 Dantu disclosed a path router having a table of connections, the table including connection information (see Dantu e.g., col./line: 8/40-45).

Re claims 18, 26-28 Dantu disclosed

storing and reporting forwarding tables (connection tables) to multiple nodes (see Dantu of Fig. 6).

### ***Conclusion***



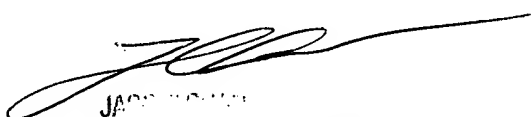
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp

  
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